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Date of Signature and Deposit: November 25, 2003

*Image \$DAE*

*[Signature]*  
Sara D. Vinarov, Reg. No. 48,524

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Eric W. Triplett  
Thomas C. Herlache

Date: November 25, 2003

Serial No.: 09/927,616

Group Art Unit: 1645

Filed: August 10, 2001

Examiner:

Title: BIOLOGICAL CONTROL OF CROWN  
GALL DISEASE

File: 960296.97273

PETITION UNDER 37 C.F.R. 1.78 (a)(6) TO ACCEPT AN UNINTENTIONALLY  
DELAYED CLAIM OF PRIORITY FOR THE BENEFIT OF  
A PRIOR-FILED PROVISIONAL APPLICATION

Mail Stop Petitions  
Commissioner for Patents  
P O Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

On August 10, 2001, applicants filed the above-identified application and unintentionally omitted the cross-reference information claiming the benefit of the prior-filed U.S. Provisional Serial Application No. 60/224,929 filed August 11, 2000. Applicants, respectfully Petition herein for the Office to accept this unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of the prior-filed provisional application. As such, accompanied herewith this Petition are the requisite papers:

- (1) The reference required by 35 U.S.C. 119(e) and 37 CFR 1.78(a)(5) to the prior-filed provisional application in a Preliminary Amendment as provided;
- (2) The surcharge set forth in 37 CFR 1.17(t); and
- (3) A statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional.

12/02/2003 SSANDARA 00000020 170055 09927616

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## REMARKS

Applicants respectfully submit that the delay in claiming priority to the prior-filed U.S. Provisional Serial Application No. 60/224,929 filed August 11, 2000 was unintentional and was only recently brought to the Applicants' attention. Accordingly, please accept this Petition, accompanied by the aforementioned papers.

Please charge the fee due, believed to be \$1,330.00 to Deposit Account No. 17-0055. If any extension of time is required in this or any subsequent response, please consider this to be a petition for the appropriate extension and a request to charge the petition fee to the Deposit Account No. 17-0055. No other fee is believed to be due in connection with this response. However, if any fee is due in this or any subsequent response, please charge the fee to the same Deposit Account No. 17-0055.

Respectfully submitted,



Sara D. Vinarov

Reg. No.: 48,524

Attorney for Applicants

QUARLES & BRADY LLP

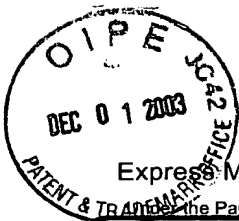
P.O. Box 2113

Madison, WI 53701

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Express Mail No.

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 1,330.00

**Complete if Known**

Application Number	09/927,616
Filing Date	08/10/2001
First Named Inventor	Eric W. Triplett
Examiner Name	
Art Unit	1645
Attorney Docket No.	960296.97273

**METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

17-0055

Quarles &amp; Brady LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ ) 0.00

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20* =	X	0.00
Multiple Dependent Claims	-3** =	X	0.00

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) 1454 Petition

1330

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 1,330.00

**SUBMITTED BY**

Name (Print/Type)

Sara D. Vinarov

Registration No.  
(Attorney/Agent)

48,524

(Complete if applicable)

Telephone

608/251-5000

Signature

Date

11/25/2003

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Sara D. Vinarov, Reg. No. 48,524



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GALL DISEASE

File: 960296.97273

PRELIMINARY AMENDMENT

Commissioner for Patents  
P O Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Amendment to the Specification

Please amend the above-identified application as follows:

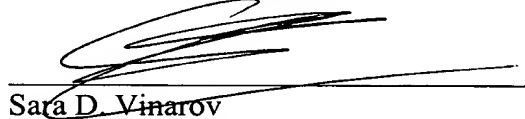
Page 1, please add the following paragraph after the heading entitled "CROSS-REFERENCE TO RELATED APPLICATIONS:"

--This application claims the benefit of U.S. Provisional Serial Application No. 60/224,929 filed August 11, 2000.—

REMARKS

If any fee is required in this or any subsequent response, please charge the fee to the Deposit Account No. 17-0055. No fee is believed to be due in connection with this Preliminary Amendment. However, if any fee is due in this or any subsequent response, please charge the fee to the same Deposit Account No. 17-0055.

Respectfully submitted,



Sara D. Vinarov

Reg. No.: 48,524

Attorney for Applicants

QUARLES & BRADY LLP

P.O. Box 2113

Madison, WI 53701

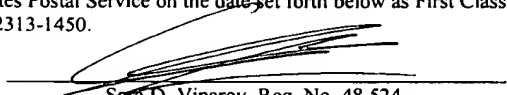
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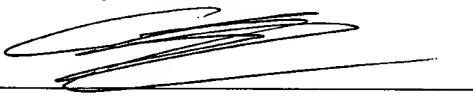
STATEMENT UNDER 37 C.F.R. 1.78 (a)(6)(iii)

Commissioner for Patents  
P O Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully state herein that the entire delay between the date the claim was due, December 10, 2001, four months after the filing date of August 10, 2001 under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed, November 25, 2003 was unintentional.

Respectfully submitted,

  
Sara D. Vinarov  
Reg. No.: 48,524  
Attorney for Applicants  
QUARLES & BRADY LLP  
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Madison, WI 53701

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